

**Chadds Ford Township Board of Supervisors Meeting  
November 8, 2004  
M I N U T E S**

**OFFICIALS PRESENT:** George M. Thorpe, Chairman  
Deborah Love D'Elia, Vice Chairman  
Garry Paul, Member  
Hugh A. Donaghue, Township Solicitor  
James C. Kelly, Township Engineer  
Richard J. Jensen, Building Inspector, CEO  
Maryann D. Furlong, Secretary/Treasurer

**CALL TO ORDER**

Mr. Thorpe called the meeting to order at 7:54 PM after adjourning a continued hearing on the conditional use application of Calvary Chapel of Delaware County, Inc. The Pledge of Allegiance was recited. Mr. Thorpe welcomed everyone and identified the emergency exits.

**PUBLIC COMMENT – CHADDS FORD RESIDENTS**

Mr. Thorpe started the meeting by thanking all those Chadds Ford residents who had worked the polls on Election Day and also thanked the Brandywine Conservancy for use of their parking lot. Mr. Thorpe further advised that the Supervisors had asked the Township Solicitor to investigate the possibility of creating an additional voting precinct within the Township. Although most political signs had been removed, a few remained and Mr. Thorpe asked for assistance in removing those.

Bruce Prabel, Heyburn Road, thanked residents for their patience during the waiting time to vote on Election Day and Supervisor Garry Paul thanked Wawa for providing free coffee to voters all day.

Jim Murray of Ringfield, thanked all those who had either participated or donated supplies for the Civic Association's on the most recent clean up day held October 16, 2004.

Lana Sheer, Atwater Road, addressed the Board to update issues regarding development on Atwater Road, stating that commercial developers are a threat to the community. Ms. Sheer spoke to the number and type of homes being planned and built in the four commercial subdivisions on Atwater Road and said this will create problems for aquifer, woodlands and density. Alternate zoning options and an update of the Township's Comprehensive Plan were suggested. Ms. Sheer asked the Supervisors to consider her remarks. Mr. Thorpe thanked her for her comments.

Discussion among Board members and residents followed with comments as follows:

- Geoffrey Jarvis, 44 Atwater Road, voiced his agreement with Ms. Sheer, but was not clear as to how to obtain information regarding proposed developments, stating the he had not received notice of the Warner subdivision;
- Several other residents did not remember receiving certified mailing regarding proposed subdivisions, those being Roland Halenda of 39 Atwater, Susan Garver of 101 Atwater, Keith Klaver of 4 Atwater, and

David Jones of 37 Atwater and questioned why the Chadds Ford Post is not used for legal notices;

- Roland Halenda, 39 Atwater Road, asked if the State Police had cleared the investigation of the Warner property and voiced concerns regarding his well, water problems, deer and lyme disease;
- Bonnie Taylor, Webb Road, suggested that residents attend meetings in order to determine what is happening in the community;
- Harvey Kliman suggested that the website be used to list applications for subdivision or land developments. Mr. Kliman further suggested revision of the Comprehensive Plan and to revisit revisions that had been drafted by the Brandywine Conservancy and the Natural Lands Trust in order to develop plans to protect the remaining open space and attempt to influence the quality of new development;
- Colleen Sack, 97 Atwater, voiced concern about the safety of Atwater Road, especially during the winter. She said the condition of the road is also very poor and building equipment is making it even more difficult to maneuver. She asked if the Board is

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requiring bonds be posted by builders to cover road damage and the possibility of wells going dry.

- Keith Klaver, 4 Atwater, had three main concerns: runoff, speed of vehicles on the road and the potential impact of development on the aquifer. Mr. Klaver suggested a master plan or a trust to bring city water and septic into the area.

Mr. Thorpe responded that the municipality fights to get everything possible pursuant to requirements of Municipal Planning Code whenever a subdivision or land development application is filed, however, the public needs to support the Board by attending Planning Commission and Supervisors meetings. Meeting dates are available on the website and in the Chadds Ford Post. Richard Schwartzman, Editor of the Post, usually comments on presentations at Planning Commission meetings every month. Mr. Thorpe further added that Planning Commission has already started the process of revising the Township's Comprehensive Plan. The first step will be adoption of the Baltimore Pike Overlay District Ordinance, planned for January, 2005.

Mrs. Love D'Elia commented that she had served on the Open Space Committee when several proposed ordinances had been drafted, but there had been little interest by residents at the time. A number of poorly attended public hearings had been held while Mr. Kliman was Chairman of the BOS, with a few vocal residents in attendance strenuously objecting to the adoption of those ordinances.

Mr. Paul stated that the Civic Association Newsletter is a means for neighbors to stay current on Township news and that residents should either join Township committees

or send a neighborhood representative to meetings. The Supervisors need feedback on proposals early enough to know what is important to residents, not after subdivisions have been approved.

Debbie Reardon, Open Space Chairman, added that her Committee has been working with the Planning Commission to revise the Township's Comprehensive Plan for some time now. Previous drafts of ordinances will be revisited.

Mr. Donaghue, Township Solicitor, stated that there is no requirement to advertise continued hearing dates. The Solicitor added that while the Township normally does not become involved in individual well problems, there is a possibility that the Township can seek reimbursement for damage caused by developers.

Mr. Barakat, Township Roadmaster, said that he and Mr. Thorpe had recently driven Atwater Road and that Newlin Homes had agreed to return a portion of the road to the same condition as prior to construction. Kelly Engineers have videotaped that portion of the road to document the condition. Mr. Donaghue added that installation of public water and public sewage encourages development.

### **STATE POLICE REPORT**

Corporal Edward Gibson of the Media Barracks, Pennsylvania State Police reported on police activity in Chadds Ford during the month of October, 2004. A full copy of the report follows the minutes. A few recent daytime burglaries had occurred. The State Police will be adding several plain clothes troopers in the area to monitor problems. Fred Reiter, Atwater Road, suggested that car doors be locked at all times. The Corporal asked that residents call police immediately if anyone suspicious is in the neighborhood and note specifics. Dr. Halenda asked if there was any news in the Warner case. Although the Corporal is not in criminal unit, he was aware of an ongoing investigation. Mrs. Sack, Atwater Road, asked if anything can be done about the. Corporal Gibson said that he would put a note out. Joe Barakat asked if speed traps are ever set on smaller roads, such as Harvey Road, which is apparently being used by car dealers to test drive cars. There was also concern regarding speeding on Route 1. Corporal Gibson will follow up on the speeding issues.

### **APPROVAL OF MINUTES – October 6, 2004**

Minutes of the October 6, 2004 meeting had been circulated for review and revisions had been made by Mr. Thorpe.

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### ***MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF October 6, 2004***

Upon motion and second (D'Elia, Paul), the Supervisors approved the minutes of October 6, 2004, draft of 11.4.04.

### **2005 PRELIMINARY BUDGET – REVIEW and AUTHORIZATION TO ADVERTISE**

Supervisor Garry Paul presented a preliminary draft of the 2005 Township Budget.

Certain “pass through” items had been added as both expenses and income, resulting in sizably increasing the budget bottom line to around \$792,510. The average home owner in Chadds Ford pays less than \$100 annually in Township tax, with the total tax collected approximately \$89,000. That amount is then apportioned over fire protection services, the library, the capital improvement fund and the general fund. Obviously, other income, such as the transfer tax, adds to the revenue. Mr. Paul reviewed the proposed expenses and briefly explained the proposed financing for Turner’s Mill through both Commerce Bank and the Delaware Valley Regional Finance Authority. Any tax increase for 2005 will either be nothing or minimal. Fred Reiter commented on the Comcast Cable’s franchise tax that is not considered a deduction on itemized federal tax returns.

Mr. Donaghue announced that the proposed 2005 budget will be available for public inspection both inside and outside the Township Hall and will be considered for adoption at the next Supervisors’ meeting on December 1<sup>st</sup>.

#### **MOTION TO AUTHORIZE ADVERTISEMENT OF THE PROPOSED 2005 BUDGET**

Upon motion and second (D’Elia, Paul), the Board of Supervisors authorized the Township Secretary to advertise the preliminary 2005 Budget.

### **REPORTS**

#### **SUPERVISORS’ REPORT**

Mr. Thorpe reported that two or more Supervisors had been together at the following meetings:

- On 10/19 all Supervisors met to review Turner’s Mill documents;
- On 10/25 all Supervisors again met regarding Turner’s Mill;
- On 10/26 all Supervisors met to review the proposed 2005 budget, and
- On 11/3 all Supervisors again met to review the 2005 budget.

Mr. Thorpe also announced that he had received a fax from Lawrence R. Bucci, District Safety Engineer for PennDOT, indicating that a four way stop sign will be installed at the intersection of Heyburn and Ridge Roads.

#### **TREASURER’S REPORT**

Mrs. Furlong reported the following figures as of October 31, 2004:

Total all deposits to General Fund:	\$ 73,018.98
Total disbursements General Fund:	\$ 98,715.93
Total disbursements Escrow Account:	\$ 15,332.62
Cash Accounts Balances	\$ 840,636.51

Mrs. Furlong added that the annual pass through to the Concordville Fire Company totaling \$37,413.74, was included both as an income and expense item during the reporting month.

#### **MOTION TO APPROVE TREASURER’S REPORT**

Upon motion and second (Paul, D'Elia), the Supervisors unanimously voted to approve the Treasurer's Report for October, 2004, and authorized the payment of bills in the amount of \$98,715.93 as listed in the Journal Report.

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## **ROADMASTER'S REPORT**

Joe Barakat, Township Roadmaster, presented the Roadmaster's report for the month of October. A copy follows these minutes. There is a pothole on Atwater at Webb Road. Joe will investigate.

## **PLANNING COMMISSION**

Mr. Taylor presented the Planning Commission report for the meeting that had been held on Wednesday, October 13, 2004. A copy is attached.

## **ZONING HEARING BOARD**

Mr. Wandersee was unable to be present due to a previously scheduled meeting, but had submitted a report stating that a meeting had not been held during October and to date, no applications had been received for November. A copy of Mr. Wandersee's report follows these minutes.

## **HARB**

Mr. Jensen stated that there had been no meeting in October.

## **SEWER AUTHORITY**

Mr. Murray reviewed the Sewer Authority report for the month of October, 2004, a copy of which follows.

## **BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER**

Mr. Jensen gave the Building Inspector/Code Enforcement Officer's report for the month of October. A written report and accompanying checks had been submitted to the Board for review.

## **TOWNSHIP ENGINEER**

Mr. Kelly reported on the Winter Equipment Rental Contract, Turner's Mill and the Road Program. A copy of the report, dated November 8, 2004, follows the minutes. Mrs. Love D'Elia commented on the efficiency of GEI Enterprises during the road program work.

## **MOTION TO APPROVE 2004 ROAD PROGRAM PAYMENT**

Upon motion and second (D'Elia, Paul), the Board moved to pay \$90,496.00 to GEI Enterprises of King of Prussia for the 2004 Road Program, with approximately ten percent to be held pending final measurements and inspections.

## ***MOTION TO EXTEND THE WINTER and MAINTENANCE EQUIPMENT RENTAL CONTRACT***

Upon motion and second (D'Elia, Paul), the Supervisors approved the extension of the Winter and Maintenance Equipment Rental Contract with Martin Brothers, Inc. through April, 2006.

## **OPEN SPACE COMMITTEE**

Chairman Debbie Reardon presented the Open Space report for the meeting held on October 14, 2004. A full copy of the report follows these minutes.

## **TOWNSHIP PROPERTIES COMMITTEE**

Mr. Thorpe stated that no meetings had been held. The Committee will meet as needed to review work regarding the Turner's Mill project.

## **FINANCIAL ADVISORY BOARD**

Mrs. Love D'Elia announced that the Board met on Thursday, November 4<sup>th</sup> and addressed a number of issues. The tax audit had been completed and the report had been reviewed. A resolution is being drafted to address the problems of real estate tax overpayments. J. P. Kelly had previously met with the Board and had submitted report segregating the duties for different firms involved

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in varying aspects of the Turner's Mill project. The proposed 2005 budget was reviewed and a recommendation was made not to raise taxes, but to instead consider a fire hydrant tax for properties within a certain radius of fire hydrants at some point in the future.

## **OLD BUSINESS**

There were no agenda items under Old Business.

## **NEW BUSINESS**

### **PRELIMINARY/FINAL LAND DEVELOPMENT PRESENTATION - NEW HORIZONS FELLOWSHIP**

Michael Lyons, Esquire, representing New Horizons Fellowship Church, briefly reviewed the proposal to develop the site on Route 1. There were no questions from residents present.

### **MOTION TO APPROVE RESOLUTION 2004-21 PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – NEW HORIZONS FELLOWSHIP CHURCH**

Upon motion and second (D'Elia, Paul), the Board of Supervisors voted to approve

the preliminary/final land development plan for New Horizons Fellowship Church, subject to resolution of the eight (8) conditions and one (1) waiver as listed therein.

**PRELIMINARY/FINAL LAND DEVELOPMENT PRESENTATION – BRANDYWINE CONSERVANCY at 6 STATION WAY ROAD**

James E. Fritsch, PE, of Regester Associates reviewed the proposal for land development at 6 Station Way Road. Mr. Jensen questioned if the well on the property was to be abandoned. Mr. Fritsch replied that it had.

**MOTION TO APPROVE RESOLUTION 2004-22 PRELIMINARY/FINAL LAND DEVELOPMENT PLAN – BRANDYWINE CONSERVANCY at 6 STATION WAY ROAD**

Upon motion and second (D’Elia, Paul), the Board of Supervisors voted to approve the preliminary/final land development plan for the Brandywine Conservancy at 6 Station Way Road, subject to resolution of the four (4) conditions and two (2) waivers as listed therein.

**ZONING PRESENTATION – PROPERTY AT HARVEY ROAD near ROUTE ONE**

Robert Flinchbaugh, PE, of Regester Associates was present to ask the Board to consider granting either a variance or zoning change for the property on Route 1 near Harvey Road. A plan for townhouses that had previously been presented was compared to a by-right proposal for a restaurant at the site. The applicant plans to utilize sanitary sewer service from the proposed Turner’s Mill Waste Water Treatment Plant. Mr. Donaghue stated that this was an informal presentation based on a sketch plan and was not starting any time requirements.

Discussion ensued regarding stormwater management, public water, public sewage, impervious coverage and ingress and egress. Mr. Taylor suggested the Board consider traffic patterns for both ingress and egress. Mr. Flinchbaugh asked the Supervisors to consider a zoning change to RM. Mr. Thorpe thanked Mr. Flinchbaugh for the presentation. The Board will take the matter under advisement.

**PRELIMINARY LAND DEVELOPMENT PRESENTATION – GAKIS**

Robert Flinchbaugh, PE, of Regester Associates reviewed preliminary land development plans for the Gakis property on Route 1 at the Loop Road intersection. Discussion ensued regarding the entranceways, deceleration lanes, possible completion of the Loop Road and other issues. Mrs. Love D’Elia stated that she would like to see the major landowners in that area finish the Loop Road. Mr. Fritsch interjected information regarding PennDOT’s past comments regarding access from Route 1. Mr. Donaghue stated that Toll Brothers agreed that they would be willing to be a part in completing the Loop

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Road but would not build the road on their own. Mr. Thorpe stated that the Board would like

to have more feedback regarding possible easements.

**MOTION TO APPROVE RESOLUTION 2004-23 PRELIMINARY LAND DEVELOPMENT PLAN – GAKIS PROPERTY HOLDINGS, LLC**

Upon motion and second (D'Elia, Paul), the Board of Supervisors voted to approve the preliminary land development plan for the Gakis property at the corner of Route 1 and the potential extension of Brandywine Drive, subject to resolution of conditions one (1.) through four (4.) and six (6.) through ten (10.) as listed therein. Condition five (5.) was deleted and the clause "south side of the" was added to both conditions 8. and 9.

**PENNSYLVANIA SCENIC BYWAYS PROPOSED RESOLUTION**

The Board had previously met Alma Forsyth, Project Coordinator for the Brandywine Valley Scenic Byway Steering Committee, to discuss support of the Pennsylvania Scenic Byways initiative. After consideration and discussion with the Township Solicitor, the Board had decided to submit an application to PennDOT to designate the portion of Creek Road that runs through Chadds Ford Township a Pennsylvania Scenic Byway.

**MOTION TO APPROVE RESOLUTION 2004-24**

Upon motion and second (D'Elia, Paul), the Board approved Resolution 2004-24, supporting the designation of Creek Road as a Pennsylvania Scenic Byway.

**PRELIMINARY/FINAL LAND DEVELOPMENT PRESENTATION – TURNER'S MILL**

Mr. Jensen indicated that he was not going to request that plans be signed this evening due to some outstanding issues as earlier discussed with Mr. Fritsch, but it would be appropriate for the Board to approve the proposed Resolution.

**MOTION TO APPROVE RESOLUTION 2004-25**

Upon motion and second (Paul, D'Elia), the Board of Supervisors voted unanimously to approve Resolution 2004-25, granting preliminary/final land development approval to the application of Chadds Ford Township for the development of the property known as Turner's Mill, located at the corner of Route 1 and Ring Road, subject to resolution of the four (4.) conditions and one (1.) waiver as included therein.

**AUTHORIZATION TO ADVERTISE PROPOSED ZONING ORDINANCE AMENDMENTS – BALTIMORE PIKE OVERLAY DISTRICT**

Consultant Thomas Comitta had submitted to both the Board of Supervisors and Planning Commission members several drafts of ordinance amendments reflecting the suggestions proposed in option number two of Spotts, Stevens and McCoy's Baltimore Pike Feasibility Study. Mr. Comitta will present a final draft at a continued meeting of the Planning Commission on Tuesday, November 30, 2004, at 7:00 PM.

**MOTION TO AUTHORIZE LEGAL ADVERTISEMENT OF PROPOSED ZONING ORDINANCE AMENDMENTS**

Upon motion and second (D'Elia, Paul), the Board of Supervisors authorized the Township Secretary to place the requisite legal advertisement in accordance with Township code.



## ESCROW RELEASES

The Township Secretary had prepared checks for the release of escrow funds after reviewing records with the Township Building Inspector. Mrs. Love D'Elia read the following information into the record:

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Applicant Released	Type of Escrow	Amount to be
Linda and Arthur Anderson	Grading Escrow	\$ 700.00
Larry and Kathy Bray	Grading Escrow	\$ 700.00
Stephen D. Cope, Inc. (6/97)	Grading Escrow	\$ 700.00
Stephen D. Cope, Inc. (12/97)	Grading Escrow	\$ 700.00
Marion B. Gobrecht	Grading Escrow	\$ 700.00
William and Janet Grant	Grading Escrow	\$ 700.00
John and Karen Harper	Grading Escrow	\$ 700.00
Keen Compressed Gas	Grading Escrow	\$ 700.00
MSR Engineering	Grading Escrow	\$ 700.00
Magness General Contractor, Inc.	Grading Escrow	\$ 700.00
James and Debra McShane	Grading Escrow	\$ 700.00
Whitney Maroney	Grading Escrow	\$ 700.00
Montchanin Design	Grading Escrow	\$ 700.00
Richard and Claire Newton	Grading Escrow	\$ 700.00
John P. Donnelly Builder, Inc.	Grading Escrow	\$ 700.00
Brian and Margaret Pope	Grading Escrow	\$ 700.00
Dennis and Noreen Quinn	Grading Escrow	\$ 700.00
Dion and Gina Rassias	Grading Escrow	\$ 700.00
Deborah N. Rush	Grading Escrow	\$ 700.00
Douglas A. Whitney	Grading Escrow	\$ 700.00
Larry Anthonsen	Grading Escrow	\$ 700.00
Linda and Michael Maxwell	ZHB Escrow	\$ 750.00
(\$582.62 to be		

r  
released)

The Township Secretary will check for any outstanding bills prior to release of the checks.

## MOTION TO APPROVE ESCROW RELEASES

Upon motion and second (D'Elia, Paul), the Board of Supervisors approved the

release of escrows as read into the record by Mrs. Love D'Elia and listed above.

#### ADJOURNMENT

There being no further business, the meeting was adjourned at 11:30 PM.

Respectfully submitted,

MARYANN D. FURLONG,  
Township Secretary